



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BORGWARNER INC.
3850 HAMLIN ROAD
AUBURN HILLS MI 48326

COPY MAILED

SEP 28 2005

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Roger Simpson
Patent No. 6,840,202
Application Number: 10/643,842
Issue Date : January 11, 2005
Filing Date: August 19, 2003
Attorney Docket Number: BW-
DKT01115A

This is a decision on the petition for certificate of correction under 37 CFR 1.183 filed on May 9, 2005. The petition is properly treated under 37 CFR 3.81 (b) to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Effective June 25, 2004, when a request to issue a patent to an assignee is filed after payment of the issue fee, a certificate of correction must be submitted as there is no time to process these request before a patent is issued. See 69 Fed. Reg. 29865 (May 26, 2004).

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must :

(A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;

(B) provide a request for a certificate of correction §1.323;

(C) provide the fee set forth in 37 CFR §1.20 (a) and

(D) provide the processing fee set forth in 37 CFR §1.17(l)

Petitioner has failed to establish (A). Petitioner states the name of the assignee "Borgwarner Inc" was incorrectly printed on the patent. The correct name is "BorgWarner Inc". However, the spelling of the assignee's name on the patent agrees with the Office PALM computer database assignment records at the time of the issuance of the patent. Unless petitioner can establish the assignee's name was improperly recorded due to Office mistake, a correction of the assignee's name is not in order.

The processing required under 37 CFR 1.17(l) is \$130.00. Accordingly deposit account 02-0910 will be refunded \$270.00.

Further correspondence with respect to this matter may be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service:
FedEx, UPS, DHL, etc.) U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Lynda Wood
Brown & Michaels
400 M & T Bank Building- 118 N. Tioga St.
Ithaca, NY 14850